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EXAMINER

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ART UNIT	PAPER NUMBER
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2683

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,182	Applicant(s) HOCHRAINER ET AL.	
	Examiner Muthuswamy G. Manoharan	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,12 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

"....The use of "*protocols*" or "*standards*", protocols and standards change over time, hence, it is inappropriate to have the scope of a claim change with time. Since organizations implementing standards meet regularly and have the authority to modify standards, any connection a claim may have to these standards may varying scope over time. The other aspect arising from this is enablement. If the standard changes, the disclosure may no longer support the limitation. If the scope of the invention sought to be patented cannot be determined from the language of the claims, a second paragraph rejection is appropriate (In re Wiggins, 179 USPQ 421)...."

Regarding claims 1,12, and 13-16, Applicant recites E.164 without the version and date. Since the scope of the invention, cannot be determined from the language of the claims, a second paragraph rejection is appropriate.

Regarding claims 1,12 and 13-16, Applicant recites, "sending an identification of mobile terminal", whereas in the specification the identification number id (B11) of the mobile radio cell is sent to the requesting center. In specification mobile terminal (In Paragraph [0016], line 36 and in Paragraph [0013], line 9) refers to subscriber mobile

terminal and not the base station. Examiner interprets the mobile terminal as base station for the purpose of examination.

Correction and/or clarification are required

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sallberg et al. (hereinafter Sallberg) (US 6353620) in view of Bergqvist et al. (hereinafter Bergqvist) (WO 02/35752) and further in view of Kontianinen (US 2004/0082321).

Regarding claim 1, Sallberg teaches a method for exchanging information between a core network element (Col. 1, lines 39-42) in a public telecommunication network (Col. 1, lines 37-38) and a location information (Col. 1, line 48) server unit utilizing at least one message of a protocol (Col. 1, line 47) supported by core networks of the telecommunication network, which comprises: selecting, with the server unit, a message used for the exchange of message type for the location information;

storing decision information with the server unit (Abstract, lines 1-22); assigning, in the server unit, at least one message type ("Dialogue Type" in Figure 3) to at least one core network element (Node in Figure 3) for implementing the exchange of the location information;

before the core network element is accessed for the exchange of location information, checking, with the server unit, the decision information for an entry for the relevant core network element (item 420 in Figure 4) and:

before accessing a core network element for exchange of the location information, implementing a series of access attempts with messages of different message types with the server unit until one access attempt has resulted in a successful exchange of information (Figure 6B; Col. 10, lines 25-49).

Sallberg does not teach expressly method for exchanging geographical location information even though he mentioned about the Location Management Services (Page 1, lines 48-49). However, Bergqvist teaches in an analogous art, a method for exchanging geographical location information (Page 5, lines 1-2). Therefore, it would be obvious to one of ordinary skill in the art at the time invention to use the method of Sallberg for exchanging geographical location information. This application would help in emergency situation where the geographical information is helpful in locating a mobile terminal.

Neither Sallberg nor Bergqvist teaches said server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal**

Art Unit: 2687

as the location information. However, Kontianinen teaches in an analogous art, server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information (Paragraph [0012], lines 1-20; Paragraph [0016], lines 9-17). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information. This modification helps in obtaining the location information of the cell.

Regarding claim 2, Sallberg further teaches the method according to claim 1, wherein the public telecommunication network is a mobile radio network (Col. 5, lines 34-35).

Regarding claim 3, Sallberg further teaches the method according to claim 1, which further comprises: when an access attempt has resulted in a successful data exchange, adding, with the server unit, one entry the decision information if the entry does not already exist, in which information every message type, with which access was successful, assigned to the core network element (Figure 3; item 480 in Figure 4; Col. 8, lines 8-10).

Regarding claim 4, Sallberg further teaches the method according to claim 3, which further comprises, if an entry for the relevant core network element exists, implementing the location information exchange based upon the message type

Art Unit: 2687

according to the entry (Dialogue Type in Figure 3); and implementing a series of access attempts (item 440 in Figure 4) with messages different message types until one access attempt has resulted in a successful data exchange and the decision information is added (item 480 in Figure 4) on the part of the server unit if such an entry does not already exist.

Regarding claim 5, Sallberg teaches the method according to claim 1, which further comprises implementing an access attempt with messages according to the valid LCS standards and, not successful, implementing at least one access attempt according to methods valid for the LCS standards (Col. 1, lines 46-48; Col. 2, 1-53).

Regarding claim 6, Sallberg in view of Bergqvist teaches all the particulars of the claim 1. Sallberg does not teach expressly the method according to claim 1, which further comprises implementing an access attempt with messages according to the valid LCS standards and, if not successful, implementing at least one access attempt by MAP-ATI requests. However, Bergqvist teaches in an analogous art, the method according to claim 1, which further comprises implementing an access attempt with messages according to the valid LCS standards (Page 5, lines 25-27) and, if not successful, implementing at least one access attempt by MAP-ATI requests (Page 3, lines 23-27). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to include the method according to claim 1, which further comprises implementing an access attempt with messages according to the valid LCS standards and, if not successful, implementing at least one access attempt by MAP-ATI requests.

This request made using an AnyTimeInterrogation (ATI) operation provides an extended data interface.

Regarding claim 7 (8), Sallberg in view of Bergqvist teaches all the particulars of the claim 5 (6). Sallberg does not teach expressly the method according to claim 5(6), which further comprises sending a short message to the mobile terminal in the network, the geographical location of which is to be determined, and activating a paging operation for the mobile terminal as a result of the short message sent. However, Bergqvist teaches in an analogous art, the method according to claim 5(6), which further comprises sending a short message to a mobile terminal in the network, the geographical location of which is to be determined, and activating a paging operation for the mobile terminal as a result of the short message sent (Page 4, Col. 16-18).

Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to include the method according to claim 5(6), which further comprises sending a short message to a mobile terminal in the network, the geographical location of which is to be determined, and activating a paging operation for the mobile terminal as a result of the short message sent. This provides an effective way of initiating communication with the mobile terminal when the location information is not known.

Regarding claim 9, Sallburg teaches the method according to claim 1, which further comprises, if no entry has been found for a specific core network element, implementing an application context negotiation with the element and determining a message type based upon the application context negotiation (items 410, 440 in Figure 4; Col. 7, lines 51-61).

Regarding claim 10, Sallburg teaches the method according to claim 4, which further comprises, if no entry has been found for a specific core network element, implementing an application context negotiation with the element and determining a message type based upon the application context negotiation (items 410, 440 in Figure 4; Col. 7, lines 51-61).

Regarding claim 11, Sallburg teaches the method according to claim 3, which further comprises storing the decision information in the form of a decision table in which entries are ordered based upon the core network elements (Figure 3; Col. 6, lines 54-67, Col. 7, lines 1-8).

Regarding claim 12, Sallberg teaches a method for exchanging information between a core network element in a public telecommunication mobile radio network and a location information server unit utilizing at least one message of a protocol (Abstract, lines 9-11) supported by core networks of the telecommunication network, which comprises: selecting, with the server unit, a message type for the message used for the exchange of location information; before accessing a core network element for exchange of the location information, implementing a series of access attempts with messages of different message types with the server unit until one access attempt has resulted in a successful exchange of information (Figures 6A and 6B; Col. 9, lines 59-67; Col. 10, lines 1-13); storing decision information with the server unit (item 480 in Figure 4); assigning, in the server unit, at least one core network element for least one message (Figure 3) type to at implementing the exchange of the location information; when an access attempt has resulted in a successful data exchange, adding, with the

Art Unit: 2687

server unit, one entry to the decision information if the entry does not already exist, in which information every message type, with which access was successful, assigned the core network element; before the core network element is accessed for the exchange of location information, checking, with the server unit, the decision information for an network element (items 410, 420, 430 in Figure 4; Col. 4, lines 4-11) and: entry for the relevant core an entry for the relevant core network element exists, implementing the location information exchange based upon the message type according to the entry (item 440 in Figure 4); and implementing a series of access attempts with messages of different message types until one access attempt has resulted in a successful data exchange and the decision information is added on the part of the server unit if such an entry does not already exist; implementing an access attempt with messages according to the valid LCS standards and, if not successful, implementing at least one access attempt according to methods valid for the LCS standards; sending a message to a mobile terminal the network, geographical location of which is to be determined, and activating a paging operation for the mobile terminal as a result of the short message sent; if no entry has been found for a specific core network element, implementing an application context negotiation with the element and determining a message type based upon the application context negotiation (items 410,440 in Figure 4; Col. 7, lines 51-61) and storing the decision information in the form of a decision table in which entries are ordered based upon the core network elements (item 305 in Figure 3).

Sallberg does not teach expressly method for exchanging geographical location information even though he mentioned about the Location Management Services (Page

Art Unit: 2687

1, lines 48-49). However, Bergqvist teaches in an analogous art, a method for exchanging geographical location information (Page 5, lines 1-2). Therefore, it would be obvious to one of ordinary skill in the art at the time invention to use the method of Sallberg for exchanging geographical location information. This application would help in emergency situation where the geographical information is helpful in locating a mobile terminal.

Neither Sallberg nor Bergqvist teaches subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information. However, Kontianinen teaches in an analogous art, subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information (Paragraph [0012], lines 1-20; Paragraph [0016], lines 9-17). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information. This modification helps in obtaining the location information of the cell.

Regarding claim 13, Sallberg teaches a method for exchanging information, which comprises: providing a core network element in network having core networks (Col. 4, lines 17-19); a public telecommunication providing a location information server

Art Unit: 2687

unit; and exchanging geographical location information between the core network element and the location information server unit utilizing at least one message of a protocol (Abstract, lines 9-11) supported by the core networks by: selecting, with the server unit, a message type for the message used for the exchange of the location information; and before accessing a core network element for exchange of the location information, implementing a series of access attempts with messages of different message types with the server unit until one access attempt has resulted a successful exchange of information (Figures 6A and 6B; Col. 9, lines 59-67, Col. 10, lines 1-13). Sallberg does not teach expressly method for exchanging geographical location information even though he mentioned about the Location Management Services (Page 1, lines 48-49). However, Bergqvist teaches in an analogous art, a method for exchanging geographical location information (Page 5, lines 1-2). Therefore, it would be obvious to one of ordinary skill in the art at the time invention to use the method of Sallberg for exchanging geographical location information. This application would help in emergency situation where the geographical information is helpful in locating a mobile terminal.

Neither Sallberg nor Bergqvist teaches subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information. However, Kontianinen teaches in an analogous art, subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal**

Art Unit: 2687

as the location information (Paragraph [0012], lines 1-20; Paragraph [0016], lines 9-17). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information. This modification helps in obtaining the location information of the cell.

Regarding claim 14, Sallberg teaches a public telecommunication network having core networks and a core network element, a method for exchanging information between the core network element and a location information server unit utilizing at least one message of a protocol networks, which comprises: supported by the core selecting, with the server unit, a message type for the message used for the exchange of location information; and before accessing a core network element for exchange of the location information, implementing a series of access attempts with messages of different message types with the server unit until one access attempt has resulted in a successful exchange information (Figures 6A and 6B; Col. 9, lines 59-67, Col. 10, lines 1-13). Sallberg does not teach expressly method for exchanging geographical location information even though he mentioned about the Location Management Services (Page 1, lines 48-49). However, Bergqvist teaches in an analogous art, a method for exchanging geographical location information (Page 5, lines 1-2). Therefore, it would be obvious to one of ordinary skill in the art at the time invention to use the method of Sallberg for exchanging geographical location information. This application would help

in emergency situation where the geographical information is helpful in locating a mobile terminal.

Neither Sallberg nor Bergqvist teaches subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information. However, Kontianinen teaches in an analogous art, subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information (Paragraph [0012], lines 1-20; Paragraph [0016], lines 9-17). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information. This modification helps in obtaining the location information of the cell.

Regarding claim 15, Sallberg teaches in a public telecommunication network having core networks, a core network element, and a location information server unit utilizing at least one message of a protocol supported by the core networks, comprising: a location information server unit for exchanging information between the core network element in the network and the location information server unit, said server unit being programmed to select a message type for the message used for the exchange of location information and being programmed to implement, before accessing the core

network element for exchange of the location information, a series of access attempts with messages of different message types with said server unit until one access attempt has resulted in a successful exchange of information (Figures 6A and 6B; Col. 9, lines 59-67, Col. 10, lines 1-13). Sallberg does not teach expressly method for exchanging geographical location information even though he mentioned about the Location Management Services (Page 1, lines 48-49). However, Bergqvist teaches in an analogous art, a method for exchanging geographical location information (Page 5, lines 1-2). Therefore, it would be obvious to one of ordinary skill in the art at the time invention to use the method of Sallberg for exchanging geographical location information. This application would help in emergency situation where the geographical information is helpful in locating a mobile terminal.

Neither Sallberg nor Bergqvist teaches subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information. However, Kontianinen teaches in an analogous art, subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of **the mobile terminal** as the location information (Paragraph [0012], lines 1-20; Paragraph [0016], lines 9-17). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification

Art Unit: 2687

number of the mobile terminal as the location information. This modification helps in obtaining the location information of the cell.

Regarding claim 16, in a public telecommunication network having core networks, a core network element, and a location information server unit utilizing at least one message of a protocol supported by the core networks, comprising: a location information server unit for exchanging information between the core network element in the network and the location information server unit, said server unit being adapted to select a message used for the exchange of location implement, before accessing the core network element for exchange of the location information, a series of access type for the message information and to attempts with messages of different message types with said server unit until one access attempt has resulted in a successful exchange of information (Figures 6A and 6B; Col. 9, lines 59-67, Col. 10, lines 1-13). Sallberg does not teach expressly method for exchanging geographical location information even though he mentioned about the Location Management Services (Page 1, lines 48-49). However, Bergqvist teaches in an analogous art, a method for exchanging geographical location information (Page 5, lines 1-2). Therefore, it would be obvious to one of ordinary skill in the art at the time invention to use the method of Sallberg for exchanging geographical location information. This application would help in emergency situation where the geographical information is helpful in locating a mobile terminal.

Neither Sallberg nor Bergqvist teaches subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not

Art Unit: 2687

available, sending an identification number of the mobile terminal as the location information. However, Kontianinen teaches in an analogous art, server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of the mobile terminal as the location information (Paragraph [0012], lines 1-20; Paragraph [0016], lines 9-17). Therefore, it would be obvious to one of ordinary skill in the art at the time of invention to use the server unit subsequently ascertaining if an E.164 number of the core network element is available, and if the E.164 number is not available, sending an identification number of the mobile terminal as the location information. This modification helps in obtaining the location information of the cell.

Response to Arguments

Applicant's arguments are directed towards newly claimed subject matter. See rejections above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2687

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muthuswamy G. Manoharan whose telephone number is 571-272-5515. The examiner can normally be reached on 7:30AM-4: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVE M. D'AGOSTA
PRIMARY EXAMINER

[Signature]
2-27-2006